

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

DANIEL CLATE ACKER,

Petitioner,

vs.

**DIRECTOR ,
Texas Department of Criminal
Justice, Correctional Institutions
Division,**

Respondent.

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No. 4:06-cv-00469-RAS

(Death Penalty Case)

PETITIONER'S POST-HEARING BRIEF

PETITIONER'S EVIDENTIARY HEARING EXHIBITS

AO 187 (Rev. 7/87) Exhibit and Witness List

FILED

UNITED STATES DISTRICT COURT

U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

JUN 16 2011

EASTERN

DISTRICT OF

TEXAS

Sherman Division

BY DAVID J. MALAND, CLERK
DEPUTY

DANIEL CLATE ACKER

EXHIBIT AND WITNESS LIST

V.

DIRECTOR OF TDCJ - CID

Case Number: 4:06cv469

Petitioner's

Respondent's

PRESIDING JUDGE					PLAINTIFF'S ATTORNEY	DEFENDANT'S ATTORNEY
Richard Schell					Allen Richard Ellis	Tina Miranda
TRIAL DATE(S) Evidentiary 6/16/11					COURT REPORTER Jerry Kelley	COURTROOM DEPUTY Lori Bates
PLF. NO.	DEF. NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES	
X		6/16/11			Witness Nancy Acker	
X		6/16/11			Witness Lewis Tatum	
	X	6/16/11			Witness Dr. Vincent DiMaio	
X		6/16/11			Witness John Riley Sands	
X		6/16/11			Witness Sabrina Ball	
	X	6/16/11			Witness Toney Hurley	
1		6/16/11		X	Hopkins County Sheriff Supplemental Report	
2		6/16/11		X	Letter dated May 27, 2011 from Dr. Vincent DiMaio	
	1	6/16/11		X	Packet of Pictures	
	2	6/16/11		X	Curriculum Vitae of Vincent Di Maio, M.D.	
3		6/16/11		X	Photograph of truck	
4		6/16/11		X	Indictment	
5		6/16/11		X	Statement of Officer William Brandon Anderson - Hopkins County Sheriff Office	
6		6/16/11		X	Statement of Sabrina Ball - Hopkins County Sheriff Office	
7		6/16/11		X	Statement of Deputy Chris Hill - Hopkins County Sheriff Office	
8		6/16/11		X	Statement of Alicia Smiddy - Hopkins County Sheriff Office	
9		6/16/11		X	3-12-2000 Statement of Marquetta George - Investigator Toney Hurley	

* Include a notation as to the location of any exhibit not held with the case file or not available because of size.

PETITIONER'S EVIDENTIARY HEARING EXHIBIT 1

HOPKINS COUNTY SHERIFFS OFFICE

SUPPLEMENTAL REPORT

OFFENSE INCIDENT ✓ PAGE 1 OF 1

CASE NUMBER	OFFENSE / INCIDENT	REFERENCE:
SO 200698	Incident	Margueta George / Acker

NARRATIVE

On 2-26-00 at 10:44pm I deputy L Tatum and deputy B Anderson were dispatched to a residence on cr 2450 reference assault in progress. When we arrived we met with a white female a Margueta George and another white female who was later learned to be Daniel Acker's mother. Both at that time were at a neighbor's home where they had come to call 911. Mrs George advised that her and Mr Acker had been at bustin loose where they had gotten into a arguement. When they started to the residence on cr 2450 which was Mr Acker's mother's residence. Mrs George had tried to jump out of the pickup Mr Acker's he caught her by the arm and pulled her back into the vehicle. When they arrived at Daniel Acker's mother's residence they were arguing Mr Acker's mother tried to break them up Mr Acker grabed his mother and threw her on the couch. At that point Mrs George told Mr Acker she was going to call the cop's at that point he ran through the sliding glass door's into the back of the residence. At that time Mr Acker's mother and Mrs George went to a neighbor's house to call 911. When we arrived Mr Acker had already theft the scene.

Both my self and Deputy Anderson tried to get Mrs George and Mr Acker's mother to file a report. they would not. They stated they would not give us a statement. Mrs George stated she was afraid he would go back to jail and not see his children she declined any type of a report.

REPORTING OFFICER L Tatum	618	DATE	APPROVING SUPERVISOR	DATE
FOLLOW UP INVESTIGATION YES NO			ASSIGNED TO	DATE

PETITIONER'S EVIDENTIARY HEARING EXHIBIT 2



VINCENT J.M. DI MAIO, M.D.
CONSULTANT IN FORENSIC PATHOLOGY
10 CARRIAGE HILLS
SAN ANTONIO, TEXAS 78257
(210) 698-1400
FAX (210) 698-3809
Email: vincent_dimaio@yahoo.com

May 27, 2011

Tina J. Miranda
Assistant Attorney General
Post conviction Litigation Division
P.O. Box 12548
Austin, Texas 78711

Re: Texas v. Acker

Dear Ms. Miranda:

As requested, I have reviewed the following materials in regard to the above case:

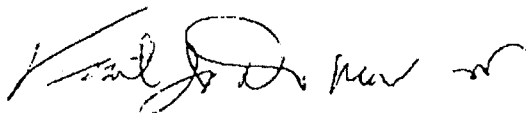
1. The autopsy report
2. Photos of the body and scene
3. The report of G.M. Larkin, M.D.
4. Trial Transcripts Volumes 19-22

Based on the aforementioned materials, it is my opinion that the diagnosis of strangulation of Marquette George is not supportable by the evidence. The neck injuries and petechiae are non-specific and better explainable by the massive blunt force injuries incurred when Ms. George went out the moving truck and was run over. In addition, to strangle an individual one has to maintain continuous pressure on the neck, occluding both the carotid arteries, for 2-3 minutes. I do not think this would be possible under the circumstances of this incident i.e. using one hand while driving a truck and the victim a healthy adult female.

As to whether, Ms. George jumped or was pushed from the truck, it is impossible to say from the injuries. While Dr. Larkin gives a detailed explanation as to how each injury occurred and why she had to have jumped out the truck, in my opinion this is not possible, due to too the many variables. These include: the speed of the truck; whether it was going straight or swerving when she left the truck; if swerving to the right or left. In addition, was Mr. Acker holding on to her or her clothing? Was he pushing her out or trying to pull her back? Did she go out face first as if diving, or backward as if falling or being pushed, or sideways as if she was falling or being pushed to her right? Was she attempting to stop her exiting the vehicle by holding onto Mr.

Acker or the door or a seat belt? With all these variables and possibilities, all that one can say from the autopsy findings is that she incurred her injuries from going out a moving vehicle and being run over by the vehicle. In regard to absence of tire marks, these may be absent on both the clothing and the body in some cases.

Sincerely,

A handwritten signature in black ink, appearing to read "Vincent J.M. DiMaio, M.D.", with a stylized flourish at the end.

VINCENT J.M. DI MAIO, M.D.

PETITIONER'S EVIDENTIARY HEARING EXHIBIT 3

Notice how far the utility bed sticks out past the cab.



PETITIONER'S EVIDENTIARY HEARING EXHIBIT 4

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FILED

01 JAN 23 AM 10:38

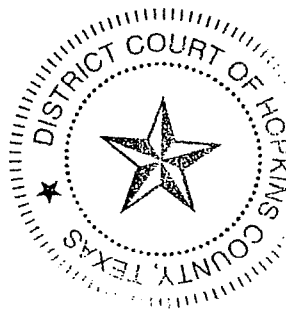
INDICTMENT - CAPITAL MURDER(TPC 19.03)

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS: PATRICIA DORNER
DISTRICT CLERK
HOPKINS COUNTY, TEXAS

The Grand Jurors for the County of Hopkins, State of Texas, duly selected, impaneled, sworn, charged and organized as such at the January Term, 2001, of the Eighth Judicial District Court of said County, upon their oaths present in and to said Court, that **DANIEL CLATE ACKER**, on or about the 12th day of March, 2000, and before the presentment of this indictment, in said County and State, did then and there, intentionally cause the death of an individual, namely, Marquetta Follis George, by homicidal violence, to wit: manual strangulation and ligature strangulation with an object, the exact nature of which is unknown to the grand jury, and blunt force injury resulting from causing her to impact a blunt object, the exact nature of which is unknown to the grand jury, and Daniel Clate Acker was then and there in the course of committing and attempting to commit the offense of kidnaping of Marquetta Follis George.

AGAINST THE PEACE AND DIGNITY OF THE STATE OF TEXAS.

Clayton M. Jones
FOREMAN OF THE GRAND JURY



A CERTIFIED COPY
ATTEST: 1-23 2001
PATRICIA DORNER, DISTRICT CLERK
HOPKINS COUNTY, TEXAS
BY *Netha Hoover* DEPUTY
NETHA HOOVER

PETITIONER'S EVIDENTIARY HEARING EXHIBIT 5

HOPKINS COUNTY SHERIFFS OFFICE

SUPPLEMENTAL REPORT

OFFENSE _____ INCIDENT ✓PAGE 1 OF 1

CASE NUMBER <u>50200698</u>	OFFENSE / INCIDENT <u>Incident</u>	REFERENCE: <u>Margueta George + Daniel Acker</u>
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NARRATIVE

On 2-26-00 Deputy Lewis Tatum and myself responded to an assault in progress on County Road 2450 5th residence on the left off of County Road 2874. When we arrived we were met by a white female by the name of Margueta George. Mrs. George was at a neighbors residence with another white female who was later found out to be her boyfriend's (Daniel Acker) mother. They both advised that Mr. Acker had left the residence prior to our arrival.

Mrs. George then advised officers that Mr. Acker and herself had been at Buster Loose and had gotten into an argument and left the club and came back to his mother's house. While in the residence Mr. Acker became very violent and started arguing. Mrs. George stated that his mother had stepped in between them and Mr. Acker picked his mother up and threw her on the couch. Mrs. George then stated that they were going to call the the Cop's and Mr. Acker ran through the back sliding glass window. Mrs. George then stated that her and his mother ran to a neighbors house to call the Police. Mrs. George also advised later in her conversation that while Mr. Acker and her were on the way back to the residence from the club, she had attempted to jump from the truck and Mr. Acker caught her by the arm and pulled her back into the truck.

After speaking with Daniel Acker's mother she advised that they had both came in from the Club and both were screaming at each other. She felt that the altercation was progressing and stepped in between them and Mr. Acker picked her up and throw her on the couch. At this time Mrs. George had threatened to call the police and Mr. Acker ran through the back sliding glass door, and her and Mrs. George ran to a neighbor's house. Neither party wished to file any charges or give any statements against Mr. Acker.

REPORTING OFFICER <u>Brandon Anderson</u>	# <u>612</u>	DATE	APPROVING SUPERVISOR	#	DATE
FOLLOW UP INVESTIGATION			ASSIGNED TO		
YES <input type="checkbox"/> NO <input type="checkbox"/>			DATE		

PETITIONER'S EVIDENTIARY HEARING EXHIBIT 6

Hopkins County Sheriffs Office

THE STATE OF TEXAS, THE COUNTY OF HOPKINS

Voluntary Statement (Not Under Arrest)

PAGE 1 OF 3 PAGESI, Sabrina BallDATE OF BIRTH IS 7-30-64, AM 36 YEARS OF AGE,CRIMINAL OFFENSES CONCERNING THE EVENTS I AM ABOUT TO MAKE KNOWN TO Deputy S.R. ScottMY ADDRESS IS RT 8 Box 128 Sulphur Springs TX AND HOME PHONE # IS 885-7734
342-3473

On February 26, 2000 at approx 10:30pm a woman came to our house. She was beating on the door and ringing the doorbell repeatedly. We answered the door and found her on her hands and knees at the front door. My husband recognized her as Markie Greer. I asked, "Are you O.K.?" She replied "No! He's crazy! He's going to kill me! Can I use your phone?" We told her to come inside. I asked, "Who is trying to kill you?" She replied, "Daniel Acker, he lives a few houses down. We got in a fight, we were at Justin Loose. We were in the truck and he was beating my head against the dash. I tried to jump out, but he pulled me back in. My face was just a few inches from the pavement." She was very upset, shaking and crying. I asked if he was chasing her. She said he had driven off in his truck. We gave her the cordless phone and she made the call.

WITNESS

WITNESS

SIGNATURE OF PERSON GIVING STATEMENT

1-16-01

CX-2

Hopkins County Sheriffs Office

THE STATE OF TEXAS, THE COUNTY OF HOPKINS

STATEMENT CONTINUED:

PAGE 2 OF 3 PAGES

STATEMENT OF (PRINT NAME) Sabrina Ball

She continued to talk about the fight and how she had run a way. She stated they were at his mom's house when the fight had continued. She said, "He's crazy. He ripped the phone out of the wall, busted a window, and even picked up his mother and threw her on the couch." She said that she ran to get away and saw the light on at our house.

The Sheriff's deputies arrived and questioned L. S. George. She refused to file charges but was concerned about her purse left in the pickup truck. Mrs. Acker (Daniel's mother) also came to our house during this time. Mrs. Acker said "You'll are always fighting, you need to just stay away from each other and this kind of thing would not happen." Mrs. George said "I've got to call someone to pick up my son at the skating rink." She then made several calls but was unable to find anyone. While making these calls I spoke to her and urged her to file charges and stressed to her the need to

R.R. Scott

WITNESS

WITNESS

Sabrina Ball

SIGNATURE OF PERSON MAKING STATEMENT

1-6-01

DATE

Hopkins County Sheriffs Office

THE STATE OF TEXAS, THE COUNTY OF HOPKINS

STATEMENT CONTINUED:

PAGE 3 OF 3 PAGES

STATEMENT OF (PRINT NAME) Sabrina Ball
do something in order to assure her safety. However,
she said she just couldn't do it. Mrs Ecker
offered to take her to pick up her son and
they left together at that time.

SB

J.R. Scott
WITNESS

Sabrina Ball
SIGNATURE OF PERSON MAKING STATEMENT
1-10-01

PETITIONER'S EVIDENTIARY HEARING EXHIBIT 7

HOPKINS COUNTY SHERIFF'S OFFICE

SUPPLEMENTAL REPORT

Date: 3-12-00

Ref: Death of Marquetta Deanne Follis George

On Sunday, 3-12-2000, I, Deputy Chris Hill, was dispatched to a call of a Disturbance/Trespassing on CR 3511, 2nd trailer house on the left. Dispatch advised that a Mr. Smiddy called 9-1-1 and advised that his neighbors were involved in a disturbance in his yard. Comp. advised that he wanted to press charges for trespassing on them. Dispatch also advised that the subjects left in a white utility truck headed toward Mahon. Dispatch stated that the comp. saw the male subject force the female subject into the white truck and then drive off, and while driving off female subject tried to exit the vehicle and the male subject "jerked" her back in. Just before arriving at CR 3511, dispatch called back and advised that a Mr. Ferrell had called 9-1-1 and advised that he just found a white female lying in the road at the end of his driveway on CR 3519 south of 1537. I then proceeded to that location being the closest officer. As I turned onto CR 3519, I noticed several ruts in the ditches on both sides of the road where it looked like a vehicle had ran completely off of the road several times recently. I pulled into the first residence on the right and briefly spoke with two subjects who quickly told me that they had not called the Sheriff's Office. I then looked further down the road and seen a subject waving me down. I proceeded further south and then saw a white female laying on the west side of the county road. I approached the subject in the road and saw that she was laying lifeless and bleeding profusely. I advised dispatch of what I saw and then got out and ran up to the woman and began trying to talk to her to get her to respond. I noticed that she had blood coming from her nose and mouth area. I also noticed that she had what looked to be part of the skull protruding through the skin above her left eyebrow and her right eye was partially open as well as her mouth. I then checked for a pulse on both sides of her neck and listened for any sign of breathing. After attempting approx. 3 times, I felt no pulse and heard no breathing. I advised dispatch of this and about that same time Cpl. Jace Anglin arrived at the scene. He came up to the female where I was and I advised him that I checked for a pulse and listened for breathing and got no response. Cpl. Anglin and I then began to tape off the scene and had dispatch notify 500,501, and the on-call investigator and advise them of what we had. I went up to speak with the complainant, Mr. Sedell Ferrell. Mr. Ferrell stated that he had been out feeding hay on his tractor and when he got back to his dairy, he saw the subject in the road and called 9-1-1. Cpl. Anglin got a statement from Mr. Ferrell while I spoke with the E.M.S. and F.D. personnel who had just arrived on the scene. E.M.S. advised that they applied monitors to four different places on the subject and got no heartbeat or pulse. They advised me that they did leave the monitor hook-ups on the body. E.M.S. then covered the body with a white sheet. During the time that E.M.S. was attending the body, Deputy Victor Cosme (who was on the scene on CR 3511) advised that he was speaking with the original complainants as well and a family member of the deceased's boyfriend's mother and sister. Dep. Cosme advised on radio that the subject that left in the white utility truck with the deceased was a subject by the name of Daniel Acker, and gave a description of him as well as 2 to 3 locations where he may be found. Dep. Cosme further advised that the subject worked for Bentley Electric and the white truck would probably come back to that company and that there were 2 small children that were unaccounted for. About this time Sheriff Adams arrived at the scene. I walked over to him and advised him of all that I knew. Sheriff then advised me that the deceased was Marquetta (Markie) Follis George. I was familiar with that subject and was acquainted with her from previous law-enforcement related calls, however, she was unrecognizable by this officer due to the trauma to the face and head. Shortly after, Eddy Moon from the Birthright F.D. came to me and advised that there was a subject at the road block that stated that he was a witness to a white utility truck being at the location where the body was found a few minutes before my arrival. I advised Mr. Moon to let the subject through and have him come and talk to me. I spoke with the subject by the

PETITIONER'S EVIDENTIARY HEARING EXHIBIT 8

STATE OF TEXAS, THE COUNTY OF HOPKINS
 Voluntary Statement (Not Under Arrest)

PAGE 1 OF 1 PAGES

I, ALICIA SMIDDY, AM 25 YEARS OF AGE, MY
 DATE OF BIRTH IS 5-18-74, I AM NOT UNDER ARREST FOR, NOR AM I BEING DETAINED FOR ANY
 CRIMINAL OFFENSES CONCERNING THE EVENTS I AM ABOUT TO MAKE KNOWN TO VICTOR M. COSME
 MY ADDRESS IS RT 1 Box 32 f Sulphur Springs AND HOME PHONE # IS (903) 438-0802

Marquetta came running out of their house
 yelling for us to call the sheriff that he's
 not going to beat me. She got behind me
 so he couldn't get her. my 1yr old was
 in the stroller by me. He came charging
 out of the house with no shirt with an
 evil, mad look on his face, never saying
 anything, walked by my 1yr old picked
 Marquetta up over his shoulder. She was
 screaming, kicking, yelling NO Daniel, NO
 Daniel, trying her best to get loose.
 She started crying, he shoved her into
 a white utility truck ~~on~~ the Driver Door side
 she was trying to get out, he hit her, shoved
 her on in, holding her down, spun off
 through the ditch she was trying to get out
 he was swerving all over the road turned and
 went towards Mahoney. That was the last we saw

VICTOR M. COSME
 WITNESS

Alicia Smiddy
 SIGNATURE OF PERSON GIVING STATEMENT

WITNESS

3-12-00
 DATE

PETITIONER'S EVIDENTIARY HEARING EXHIBIT 9

ORIGINAL

OFFENSE NUMBER: 00-03-031

OFFENSE: MURDER

VICTIM: MARQUETTA GEORGE

DEFENDANT: DANIEL CLATE ACKER

REPORTING INVESTIGATOR: TONEY HURLEY #504

SUNDAY (3-12-2000)

SHORTLY AFTER 12:00pm, INVESTIGATOR HURLEY RECEIVED A CALL FROM THE HOPKINS COUNTY SHERIFF'S OFFICE. THE DISPATCHER ADVISED THAT A DEAD BODY HAD BEEN FOUND ON COUNTY ROAD 3519. HURLEY RESPONDED TO THE CALL AND APPROACHED THE CRIME SCENE FROM THE SOUTH. UPON ARRIVAL, HURLEY NOTICED THAT THE SCENE WAS SECURED BY DEPUTY JACE ANGLIN, DEPUTY CHRIS HILL AND SHERIFF ADAMS. HURLEY STARTED TAKING PHOTOGRAPHS OF THE SCENE WHILE SHERIFF ADAMS LOGGED THE PICTURES THAT WERE BEING TAKEN. ADAMS BRIEFED HURLEY ON THE SITUATION AND ADVISED THAT DANIEL ACKER WAS THE SUSPECT IN THIS CASE. ADAMS TOLD HURLEY THAT MARQUETTA GEORGE WAS THE DECEASED FEMALE. UPON WALKING UP TO THE BODY, HURLEY NOTICED A SMALL POOL OF BLOOD NORTH EAST OF GEORGE'S RIGHT FOOT. (APPROXIMATELY 6'3" FROM THE HEAD) HURLEY AND SHERIFF ADAMS DECIDED TO CALL DPS SARGENT WILLINGHAM TO THE SCENE. WILLINGHAM HAS THE CAPABILITY OF MAKING A COMPUTERIZED DIAGRAM OF THE CRIME SCENE. AFTER INVESTIGATOR WRIGHT ARRIVED, HURLEY SENT HIM (WRIGHT) TO DEPUTY COSME'S LOCATION. COSME WAS AT A HOUSE ON COUNTY ROAD 3511. THIS LOCATION IS THE HOME OF GEORGE AND ACKER. HURLEY WAS TOLD THAT THE INCIDENT STARTED AT THIS LOCATION.

HURLEY WAS TOLD THAT DPS TROOPER BILL REESE HAD LOCATED DANIEL ACKER AND WAS TAKING ACKER TO THE SHERIFF'S OFFICE.

INVESTIGATOR SHACKELFORD ARRIVED AND PHOTOGRAPHED THE SCENE AND ASSISTED SGT. WILLINGHAM WITH THE CRIME SCENE. JUDGE RONNY GLOSSUP WAS THE JP THAT WAS CALLED TO THE SCENE.

TEXAS RANGER DANNY RHEA MET HURLEY AT THE HOPKINS COUNTY SHERIFF'S OFFICE. HURLEY AND RHEA CONDUCTED A VIDEO TAPED INTERVIEW WITH DANIEL ACKER. ACKER HAD HIS RIGHTS READ TO HIM (ACKER) BY HURLEY. ACKER WAIVED HIS RIGHTS AND WANTED TO TALK ABOUT THE OFFENSE. THE INTERVIEW WAS VIDEO TAPPED. ACKER TOLD HURLEY AND RHEA THAT HE (ACKER) AND GEORGE WERE ARGUING ABOUT WHO SHE (GEORGE) HAD SPENT THE PREVIOUS NIGHT WITH. ACKER STATED THAT GEORGE RAN OUT OF THE HOUSE AND OVER TO THE NEIGHBORS AND WAS YELLING FOR THEM TO CALL THE POLICE. ACKER STATED THAT HE THEN GRABBED HER AND PLACED HER IN HIS WORK TRUCK. ACKER TOLD INVESTIGATORS THAT GEORGE JUMPED OUT OF THE TRUCK AND WAS RUN OVER. ACKER SAID THAT HE THEN BACKED UP AND TRIED TO LIFT HER (GEORGE) AND HE COULD TELL THAT SHE WAS DEAD. ACKER SAID THAT HE THEN DROVE AWAY LEAVING GEORGE LYING IN THE ROAD. ACKER STATED THAT HE TOLD HIS MOTHER, KENNY BAXTER AND GENE BOOTH THAT MARKIE HAD JUMPED OUT OF HIS TRUCK AND THAT SHE WAS DEAD. (REFER TO THE FIRST TAPPED INTERVIEW FOR DETAILS)

AT APPROXIMATELY 6:15pm (3-12-00), DORCAS DODD AND NANCY ACKER CAME TO THE SHERIFF'S OFFICE. DODD IS DANIEL'S SISTER AND NANCY IS DANIEL'S MOTHER. BOTH, NANCY AND DORCAS GAVE WRITTEN STATEMENTS CONCERNING THERE INVOLVEMENT IN THIS CASE. (INV.CHESTER RETAINS THE STATEMENTS)

MONDAY (3-14-00)

AT APPROXIMATELY 9:35am THE D.P.S. CRIME LAB ARRIVED AND PROCESSED THE WHITE FORD UTILITY TRUCK THAT ACKER WAS DRIVING DURING THE OFFENSE. D.P.S. TOOK CUSTODY OF ALL EVIDENCE THAT WAS COLLECTED.

AT APPROXIMATELY 2:10pm, JUDGE RONNY GLOSSUP TOLD HURLEY THAT THE MEDICAL EXAMINER'S OFFICE HAD CALLED HIM AND STATED THAT THEY BELIEVE THAT GEORGE WAS DEAD AT THE TIME SHE WAS RUN OVER. CHESTER CALLED THE M.E. AND SPOKE TO DR. MORNA GOUSLIN AND CONFIRMED THE INFORMATION.

MONDAY (3-13-00)

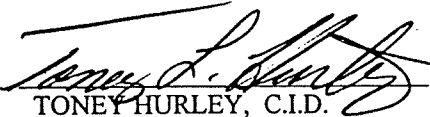
AT APPROXIMATELY 3:50pm, HURLEY AND CHESTER CONDUCTED A VIDEO TAPED INTERVIEW WITH DANIEL ACKER. ACKER HAD HIS MIRANDA WARNING READ BEFORE ANY QUESTIONING. ACKER WAVED HIS RIGHTS AND WISHED TO TALK ABOUT THE OFFENSE. HURLEY TOLD ACKER ABOUT THE INFORMATION THAT WAS PROVIDED BY THE MEDICAL EXAMINER. ACKER GOT VERY ANGRY AND STATED; "THE MEDICAL EXAMINER IS LYING". ACKER CONTINUALLY STATED THAT MARKIE JUMPED OUT OF THE TRUCK. (SEE VIDEO TAPED INTERVIEW NUMBER TWO)

AFTER THE INTERVIEW, HURLEY WAS TAKING ACKER BACK TO THE JAIL, WHEN ACKER TOLD HURLEY THAT HE (ACKER) NEEDED TO TELL THE TRUTH ABOUT EVERYTHING. HURLEY AND CHESTER BEGAN THE THIRD TAPED INTERVIEW WITH ACKER. ACKER WAS REMINDED OF HIS RIGHTS AND HE STATED THAT HE UNDERSTOOD. ACKER TOLD INVESTIGATORS THAT HE WAS ASSAULTING GEORGE AT THE TRAILER HOUSE. ACKER STATED THAT MARKIE RAN OUT OF THE HOUSE AND WAS YELLING TO THE NEIGHBORS, "CALL THE POLICE". ACKER TOLD INVESTIGATORS THAT HE (ACKER) THEN GRABBED GEORGE AND PUT IN THE TRUCK AND DROVE OFF. ACKER STATED THAT GEORGE WAS TRYING TO GET OUT OF THE TRUCK WHILE HE WAS DRIVING. ACKER STATED THAT HE WAS PULLING GEORGE'S HAIR TO HOLD HER IN THE TRUCK. ACKER STATED THAT HE ALSO HIT GEORGE IN THE NOSE AND MOUTH. ACKER TOLD HURLEY AND CHESTER THAT HE KNEW THAT HE WAS THE CAUSE OF MARKIE'S DEATH BECAUSE HE PLACED HER IN THE TRUCK. ACKER CONTINUED TO STATE THAT GEORGE JUMPED OUT OF THE TRUCK. (SEE VIDEO TAPED INTERVIEW NUMBER THREE)

TUESDAY (3-14-00)

HURLEY AND CHESTER MET WITH FRANK LONG AND BRIEFED LONG ON THE CASE. LONG TOLD INVESTIGATORS TO WORK THE CASE AS MURDER AND WAIT FOR THE MEDICAL EXAMINER'S REPORT.

HURLEY WAS OUT OF TOWN WHEN INVESTIGATOR CHESTER OBTAIN THE MURDER WARRANT AND SERVED IT ON DANIEL ACKER.


TONEY HURLEY, C.I.D.
INVESTIGATOR
4-3-2000